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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2009-258

11 **JOANNE PILON**
12 695 John Muir Drive, # 401
San Francisco, CA 94132

A C C U S A T I O N

13 Registered Nurse License No. 668271

14 Respondent.

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16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Accusation solely
19 in her official capacity as the Executive Officer of the Board of Registered Nursing (Board).

20 2. On or about October 27, 2005, the Board issued Registered Nurse License
21 Number 668271 to JoAnne Pilon (Respondent). The Registered Nurse License expired on
22 August 31, 2007.

23 **JURISDICTION**

24 3. This Accusation is brought before the Board, under the authority of the
25 following laws. All section references are to the Business and Professions Code unless otherwise
26 indicated.

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STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

. . . .

“(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

. . . .

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by Another State)**

3 8. Respondent is subject to disciplinary action under section 2761 (a)(4) of
4 the Code, in that she was disciplined by the Arizona State Board of Nursing, as follows:

5 a. On or about November 1, 2006, Respondent was issued Registered Nurse
6 License No. RN139873 by the Arizona State Board of Nursing.

7 b. On or about March 19, 2008, the Arizona State Board of Nursing revoked
8 Respondent's registered nurse license based on the following findings of facts.

9 c. From in or about December, 2003 to on or about October 31, 2005,
10 Respondent was employed as a professional nurse by Nightingale Nurses in Boca Raton, Florida.
11 On or about October 5, 2005, Respondent's reasonable cause urine drug screen was positive for
12 Marijuana. On or about October 31, 2005, Respondent's assignment was terminated early due to
13 her positive drug screen.

14 d. On or about January 16, 2007, Respondent was treated at Chandler
15 Regional Hospital Emergency Department. According to her medical record, Respondent had
16 been hallucinating and talking about suicide for several days before being taken to the hospital.
17 While she was being treated, Respondent demanded a "joint," and kicked a nurse. Respondent's
18 urine drug screen was positive for Marijuana. On or about January 19, 2007, Respondent was
19 discharged with diagnoses of aseptic meningitis causing an acute change in mental status, ethanol
20 and Marijuana use/possible abuse, a urinary tract infection, and possible left lower lobe
21 pneumonia.

22 e. On or about February 2, 2007, Respondent was evaluated by a neurologist,
23 Mildred DeJesus, M.D. According to her medical records, Respondent admitted to using
24 Marijuana on an occasional basis to calm her down. Dr. DeJesus opined she did not have a clear
25 understanding of Respondent's prior psychiatric problems. Dr. DeJesus diagnosed Respondent
26 with meningoencephalitis, and recommended that she have a psychiatric evaluation.

27 f. On or about February 20, 2007, Respondent's husband called Dr. DeJesus'
28 office and reported that Respondent had severe mood changes and reported that she was suicidal.

1 Respondent's husband stated that Respondent would not make the appointment for the
2 evaluation recommended by Dr. DeJesus. When Dr. DeJesus called Respondent, Respondent
3 denied she was suicidal or homicidal and stated that she was having marital problems.

4 g. On or about February 23, 2007, Respondent was seen again by Dr.
5 DeJesus. According to her medical records, Respondent disclosed to her neurologist that she had
6 a previous nervous breakdown several years ago, during which she became very aggressive.

7 h. On or about February 26, 2007, in a telephonic interview with Board staff,
8 Respondent disclosed she was taking Depakote, Seroquel, and Xanax, which were prescribed by
9 her neurologist. Respondent stated that she was "in a fog" due to these medications, and that she
10 was going on an extended trip with her husband. Respondent stated that she had not seen a
11 psychiatrist because her insurance had ended and she could not afford it.

12 i. On or about April 11, 2007, in a telephonic interview with Board staff,
13 Respondent initially denied Marijuana use and a psychiatric history. When excerpts from
14 documents in the investigative file were read to her, Respondent admitted to occasional
15 Marijuana use and having a previous nervous breakdown in Illinois.

16 j. On or about April 11, 2007, Respondent stated that she did not intend to
17 work in nursing for at least a year, and requested to have her license suspended until she could
18 complete psychiatric and chemical dependency evaluations.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein
21 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nurse License Number 668271, issued
23 to JoAnne Pilon;

24 2. Ordering JoAnne Pilon to pay the Board of Registered Nursing the
25 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
26 Professions Code section 125.3;


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3. Taking such other and further action as deemed necessary and proper.

DATED: 4/22/09


RUTH ANN TERRY, M.P.H, R.N.
Executive Officer
Board of Registered Nursing
State of California
Complainant